

**REMARKS**

The drawings have been amended to include the legend “Prior Art” on figures 1 -3 as per the Examiner’s request.

Claims 1 – 11 were rejected under 35 USC § 112 (¶ 2) as being indefinite because the Examiner was not sure if Applicant’s intent was to claim the structure of the impedance layer or the structure of the mobile phone. The claims have been amended to clarify Applicant’s intent to claim the structure of the mobile phone as opposed to the structure of the impedance layer. It is believed that the claim amendments satisfactorily address the concerns of the Examiner. Reconsideration and withdrawal of the 35 USC § 112 (¶ 2) rejection is requested.

Claims 1 – 11 were also rejected under 35 USC § 102(b) as being anticipated by US Pat. Appl. Publ. 2003/0040345 to Berger.

Berger is specifically limited to using a magnetically absorptive material placed within one wavelength of the antenna base. (see, ¶ [0017]). Berger details the use of high permeability magnetically absorptive materials. These materials are dominated by ferrites.

In contrast, the present application broadly emphasizes using “high-impedance” coating materials to reduce near field electro-magnetic wave scattering occurring at abrupt discontinuities of metallized areas within the housing of a portable wireless device. The scope of the present application encompasses electrically conductive and resistive materials as opposed to magnetically absorptive ferrous materials.

To further emphasize this significant difference the claims have been amended to exclude ferrous materials from being used by the present invention with respect to the recited metallic layer. Support for this exclusion can be found in the specification on page 5, line 10 where examples of the metallic layer are enumerated and none are ferrous materials.

The present application is not limited to areas surrounding the base of the antenna element. Instead, it is intended to be applied at the edges of the PCB or metallized housings within the portable wireless device. These locations constitute abrupt discontinuities that are susceptible to increased undesirable electro-magnetic wave scattering effects.

In addition, the present application emphasizes the attenuation of the electric fields within the housing of a portable wireless device. In contrast, Berger is designed solely to at-

tenuate magnetic currents at the base of the antenna associated with a portable wireless device. In general, electric fields are maximum where the magnetic currents are minimum and magnetic currents are maximum where electric fields are minimum. Thus, Berger does not anticipate the effects of electric field scattering near the edges of the mobile phone. At these locations, the magnetic currents are zero (or minimum). This means that Berger will likely be ineffective at the locations described in the present application.

In sum, Berger uses different materials to solve a different problem. The disclosure of Berger does not read on or suggest the approach taken by the claims in the present application. Berger is directed toward a magnetic field problem at the base of an antenna while the present application is directed toward electric fields existing at the edges of metallized areas within the mobile phone, not just the antenna. The source of the electromagnetic waves in the present invention is considered to be metallized areas within the housing of the mobile phone and the impedance layer is placed between the metallized areas and the user's hearing aid. The same can not be said of Berger where the source of the magnetic waves is the mobile phone antenna.

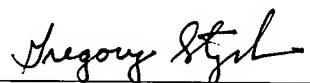
The Applicants believe they have responded to all of the concerns raised by the Examiner. Reconsideration of this application as amended is hereby respectfully requested.

The Examiner is authorized to charge any fees required and not paid herein, or credit any overpayment to Deposit Account 13-4365.

Respectfully submitted,

Date: 23 May 2006

Telephone: (919) 286-8000  
Facsimile: (919) 286-8199

  
\_\_\_\_\_  
Gregory Stephens  
Attorney for Applicants  
Registration No. 41,329  
Moore & Van Allen PLLC  
430 Davis Drive, Suite 500  
PO Box 13706  
Research Triangle Park, NC 27709